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Dated: August 19, 2004

Signature: \_\_\_\_\_

(Stephen B. Goldman)

Docket No.: OSTEONICS 3.0-449  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Cusick et al.

Application No.: 10/766,789

Group Art Unit: 3732

Filed: January 27, 2004

Examiner: Not Yet Assigned

For: APPARATUS FOR ALIGNING AN  
INSTRUMENT DURING A SURGICAL  
PROCEDURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. In accordance with the notice at 1276 O.G. 55, copies of other references are submitted herewith. A copy of the European Search Report in a co-pending related application is also enclosed herewith. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: August 19, 2004

Respectfully submitted,

By \_\_\_\_\_

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PTO/SB/08a/b (08-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

|       |   |    |   |                        |                   |
|-------|---|----|---|------------------------|-------------------|
| Sheet | 1 | of | 1 | Attorney Docket Number | OSTEONICS 3.0-449 |
|-------|---|----|---|------------------------|-------------------|

**Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/766,789        |
| Filing Date            | January 27, 2004  |
| First Named Inventor   | Michael J. Cusick |
| Art Unit               | 3732              |
| Examiner Name          | Not Yet Assigned  |
| Attorney Docket Number | OSTEONICS 3.0-449 |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|---|--------------------------------|--|---|
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**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|--|-----------------------------------|--|---|----------------|
|                       | BA                       | FR-2703584   | 10-14-1994                        | Medinov SA   | See EP Search Report  |                |
|                       | BB                       | FR-2776176   | 09-24-1999                        | Aesculap   | See EP Search Report  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.  
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| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|